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10 UNITED STATES OF AMERICA

11 UNITED STATES DISTRICT COURT
12 FOR THE CENTRAL DISTRICT OF CALIFORNIA
13 WESTERN DIVISION

14 NATHALIE COHEN,
15 Plaintiff,
16 v.
17 UNITED STATES OF AMERICA,
18 Defendant.
19

No. 2:23-cv-07757-CBM-JPR

**JOINT STIPULATION TO STAY THE
CASE, OR CONTINUING ALL CASE
DEADLINES BY APPROXIMATELY
120 DAYS, PENDING RESOLUTION
OF THE UNITED STATES OF
AMERICA'S MOTION FOR
SUMMARY JUDGMENT;
DECLARATION OF TRENT K. FUJII**

[(Proposed) Order filed concurrently
herewith]

Honorable Consuelo B. Marshall
United States District Judge

1 IT IS HEREBY STIPULATED by and between plaintiff Nathalie Cohen
2 (“Plaintiff”) and defendant United States of America (“United States”) (together, the
3 “Parties”), through their respective counsel and subject to Court approval, that this action
4 be stayed and all remaining dates be vacated pending resolution of the United States’
5 summary judgment motion that is currently under submission. *See* Dkt. 50. In the
6 alternative, the Parties respectfully request that the trial and final pretrial conference
7 dates and associated deadlines be continued approximately one hundred and twenty
8 (120) days. The Parties respectfully submit that good cause exists under Fed. R. Civ. P.
9 16(b)(4) to stay or modify the Court’s Scheduling Order (Dkt. 23) because the United
10 States’ motion seeks a dispositive ruling under the discretionary function exception to
11 the Federal Tort Claims Act. *See* Dkt. 34.

12 This stipulation is based on the following:

13 1. On March 4, 2025, the Parties attended mediation with Mark E. Fingerma.
14 The case did not settle. Declaration of Trent K. Fujii (“Fujii Decl.”), attached hereto, ¶ 2;
15 *see* Dkt. 30.

16 2. On March 28, 2025, fact discovery ended. Dkt. 23.

17 3. On June 10, 2025, the United States filed its summary judgment motion
18 with hearing set for July 8, 2025, at 10:00 AM. Dkt. 34.

19 4. On June 23, 2025, Plaintiff filed her opposition to the United States’
20 summary judgment motion. Dkts. 35-42.

21 5. On June 26, 2025, the parties filed a stipulation requesting that “this Court
22 consider Plaintiff’s untimely opposition (Dkts. 34 – 39, 42), permit the United States to
23 file a reply brief, and to continue the hearing date so the United States’ summary
24 judgment motion can be decided on the merits.” Dkt. 43. The Parties requested that “the
25 Court also continue the remaining expert discovery deadlines, the Final Pretrial
26 Conference, and the Bench Trial while the United States’ summary judgment motion is
27 pending given the potential for this case to be fully adjudicated by the United States’
28 summary judgment motion.” *Id.* The Court approved the “joint stipulation to continue

1 the deadline for Defendant to file its reply in support of its motion for summary
2 judgment to July 15, 2025 and to continue the hearing date on Defendant's motion for
3 summary judgment to August 5, 2025.” Dkt. 44. The stipulation was “otherwise
4 DENIED. The expert discovery deadlines, final pre-trial conference, and trial dates set in
5 the Court's April 29, 2025 order (Dkt. No. 33) remain unchanged.” *Id.*

6 6. On July 15, 2025, the United States filed its reply brief in support of its
7 summary judgment motion. Dkt. 45.

8 7. On July 31, 2025, August 7, 2025, and August 21, 2025, the Court
9 continued the hearing on the United States’ summary judgment motion. Dkt. 47, 48, 49.

10 8. On August 29, 2025, the expert discovery period ended. Dkt. 33.

11 9. On September 3, 2025, the Court found that the United States’ summary
12 judgment motion was appropriate for decision without oral argument. Dkt. 50. The
13 motion was taken under submission and the hearing vacated. *Id.*

14 10. The Court has not yet ruled on the United States’ summary judgment
15 motion.

16 11. The Final Pretrial Conference is set for October 7, 2025, at 2:30 p.m. and
17 trial on November 4, 2025, at 10:00 a.m. Dkt. 33.

18 12. Based on the forgoing, the Parties agree that, subject to the Court’s
19 approval, this matter be stayed and all remaining dates be vacated pending the resolution
20 of the United States’ summary judgment motion. Fujii Decl. ¶ 3. In the alternative, the
21 Parties respectfully request that the trial and final pretrial conference dates and
22 associated deadlines be continued approximately one hundred and twenty (120) days. *Id.*
23 ¶ 4. The Parties respectfully submit that good cause exists for the requested stay as the
24 United States’ summary judgment motion is brought on jurisdictional grounds under the
25 discretionary function exception to the Federal Tort Claims Act and seeks a dispositive
26 ruling on all of Plaintiff’s claims. *Id.* ¶ 5.

27 ACCORDINGLY, the Parties HEREBY STIPULATE, subject to Court approval,
28 that this action be stayed and all remaining case dates and deadlines be vacated pending

1 resolution of the United States' summary judgment motion.

2 In the alternative, the Parties respectfully request that the trial and final pretrial
3 conference dates and all remaining case deadlines be continued approximately one
4 hundred and twenty (120) days.

5 Dated: September 22, 2025 Respectfully submitted,

6 /s/ Samuel O. Ogbogu
7 SAMUEL O. OGBOGU
JAY VALENTINE

8 Attorneys for Plaintiff
9 NATHALIE COHEN

10 Dated: September 22, 2025

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14 /s/ Trent K. Fujii*
15 TRENT K. FUJII
16 Assistant United States Attorney

17 Attorneys for Defendant
UNITED STATES OF AMERICA

18 * Pursuant to Local Rule 5-4.3.4(a)(2)(i), the filer attests that all other signatories listed,
19 and on whose behalf the filing is submitted, concur in the filing's content and have
20 authorized the filing.

DECLARATION OF TRENT K. FUJII

I, Trent K. Fujii, do hereby declare and state as follows:

1. I am an Assistant United States Attorney with the U.S. Attorney's Office for the Central District of California, and the attorney responsible for defending the United States in this matter. If called as a witness, I could and would competently testify thereto.

2. On March 4, 2025, the Parties attended mediation with Mark E. Fingerma. The case did not settle.

3. Plaintiff's counsel, Samuel Ogbogu, and I agree that, subject to the Court's approval, this matter be stayed and all remaining dates be vacated pending the resolution of the United States' summary judgment motion.

4. In the alternative, we agreed to request that the trial and final pretrial conference dates and all associated deadlines be continued approximately one hundred and twenty (120) days.

5. Mr. Ogbogu and I agreed that good cause exists for the requested stay as the United States' summary judgment motion is brought on jurisdictional grounds under the discretionary function exception to the Federal Tort Claims Act and seeks a dispositive ruling on Plaintiff's claims.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 22nd day of September 2025, at Los Angeles, California.

/s/ Trent K. Fujii
TRENT K. FUJII